

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRENDAN PICHA and MAX J. HASTINGS  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

GEMINI TRUST COMPANY, LLC, TYLER  
WINKLEVOSS, and CAMERON  
WINKLEVOSS,

Defendants.

Case No. 1:22-cv-10922-NRB

NOTICE OF NON-OPPOSITION TO COMPETING MOTIONS FOR APPOINTMENT AS  
LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL

**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD**

On February 27, 2023, Michael Herman (“Herman”) filed a motion, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), and Section 27(a)(3) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), for an Order: (1) appointing Herman as Lead Plaintiff on behalf of a class (the “Class”) consisting of all persons who invested in Gemini Trust Company, LLC’s program Gemini Earn or otherwise purchased Gemini Interest Accounts during the Class Period (*i.e.* February 2, 2021 through December 27, 2022) and were harmed thereby; and (2) approving proposed Lead Plaintiff’s selection of Pomerantz LLP as Lead Counsel for the Class. Dkt. No. 38.

Having reviewed the competing motions before the Court, it appears that Herman does not have the “largest financial interest” in this litigation within the meaning of the PSLRA. This statement of non-opposition shall have no impact on Herman’s membership in the proposed Class or his right to share in any recovery obtained for the benefit of Class members.

Dated: March 13, 2023

Respectfully submitted,

POMERANTZ LLP

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